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C O N F I D E N T I A L ZAGREB 000456

SIPDIS

THE HAGUE FOR CLIFF JOHNSON

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TAGS: [PREL](#) [KAWC](#) [HR](#) [BK](#)

SUBJECT: ZAGREB AWAITING NEW ICTY INDICTMENTS FOR BOSNIAN CROATS

REF: A. ZAGREB 380

[1B.](#) ZAGREB 425

Classified By: Pol/Econ Counselor Nicholas M. Hill for reasons 1.5 (b,d )

Summary

[¶1.](#) (C) Croatia is expecting the imminent arrival of new indictments from ICTY against a series of Bosnian Croats for their actions in BiH in 1993-94. According to the press, Justice Minister Vesna Skare Ozbolt met with likely indictees Milivoj Petkovic and Slobodan Praljak during the evening of March 16; both men reportedly said that they will agree to be transferred to The Hague when served with an indictment. Assistant Justice Minister responsible for ICTY Cooperation, Jasko Muljacic, and Head of the ICTY Liaison Office in Zagreb, Tom Osorio, both expressed optimism that relations between the new government and the Tribunal were excellent. End summary.

[¶2.](#) (C) Croatia's press is reporting that the GoC expects the imminent arrival of new indictments against several Bosnian Croats for actions in BiH in 1993-1994. According to local press reports, two of the likely indictees -- Milivoj Petkovic and Slobodan Praljak -- met with Justice Minister Vesna Skare Ozbolt on March 16 and reportedly said that they will agree to be transferred to The Hague when served with an indictment. Both Petkovic and Praljak reside in Zagreb (see ref a).

[¶3.](#) (C) We met on March 17 with Jaksa Muljacic, Assistant Justice Minister in charge of ICTY Cooperation. While he could not confirm "officially" that Skare Ozbolt met with Milivoj Petkovic and Slobodan Praljak, he said he did not anticipate any problems with the two giving themselves up. If they balk, "we will arrest them." There is no other choice for Croatia.

[¶4.](#) (C) Muljacic just returned from The Hague where he met with Carla del Ponte. He said the Tribunal officials he met were happy with the GOC's cooperation to date. The government had successfully transferred Mladen Markac and Ivan Cermak. While there were no guarantees, Muljacic said Carla del Ponte had assured him informally that the two would be released pending a trial date. The Trial Chamber would have to make this decision, but absent any concerns by the Prosecutor's office, it would likely come quickly -- probably within a matter of weeks.

[¶5.](#) (C) Muljacic said the government had some problems with the contents of the indictments against Cermak and Markac, particular the references to the existence of a "joint criminal enterprise" in connection with Operation Storm, but would address them through legal channels. However, he stressed that such issues would not get in the way of full cooperation with ICTY. The government Council on Cooperation with the Tribunal, which is chaired by the Justice Minister, was scheduled to meet on March 17 to discuss in what form to state the government's concerns about the Cermak and Markac indictments, if at all. "There's plenty of time for that," Muljacic said. He does not expect a trial for up to another two years.

[¶6.](#) (C) He dismissed a report in Zagreb-weekly Nacional that the GoC aimed to have Cermak and Markac prosecuted in a domestic war crimes trial. The trial will be in The Hague, and there will be no effort to change the venue. Nonetheless, the government has committed itself to boosting its capacity to prosecute war crimes cases in Croatia, although trials would be of a much lower profile than the names on indictments that have been seen so far. Muljacic anticipates eventually some 20 such cases being prosecuted domestically.

[¶7.](#) (C) On Gotovina, Muljacic said that he discussed the report on what steps the GOC was taking to apprehend Ante Gotovina with Carla del Ponte. He did not show us a copy, but indicated that the report, about 30 pages in length, would go a long way to demonstrate that Gotovina is not

likely in Croatia at this time. Del Ponte told him that her office would look at it closely, and there would likely be many follow up questions. Any official reaction would follow that.

¶8. (C) In a separate meeting on March 11 with Tom Osorio, head of the Zagreb ICTY Liaison Office, he told us that the Tribunal was very pleased with the extent of cooperation shown so far by the new authorities in Croatia. He ticked off a number of areas where the government was doing exactly what it should be doing, described Ozbolt's can-do posture on cooperation, and said he hoped -- and expected -- that good relations would continue this way.

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